

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

David Goulding, Howard Salamon,)	
Robyn Goulding, and)	
John O'Shea.,)	Case No. 1:22-cv-05224
Plaintiffs,)	
v.)	Judge Sharon Johnson Coleman
)	
Mark Miller,)	
Defendant.)	

PLAINTIF MOTION TO COMPEL

NOW COMES, Plaintiffs by and through their attorneys, Davis & Carter, LLC, and moves this Court for entry of an order compelling Defendant pursuant to FED. R. CIV. P. 37 to fully and completely produce documents. In support of their Motion Plaintiffs state as follows:

1. On May 1, 2024, Defendant provided its production to Plaintiff.
2. Based on the insufficiency of the production the attorney for Plaintiff and Defendant have held several meet and confer sessions regarding the responses and production, Such meet and confers have be continuing up to the date of this Motion.
3. Defendant has made several objections to Plaintiffs request to produce that Defendant disagrees with. Defendant's discovery objections were filed in this matter, see Dkt 44.
4. Defendant takes issue with the objections and failure to produce. Such disagreements were provided in a letter to Defendant's counsel as follows:

Request # 1 *Copies of the Defendant's federal income tax returns for the most recent three calendar years.*

RESPONSE: Defendant objects to this production request as overly broad, burdensome, and irrelevant to the cause of action and not likely to lead to relevant documents or information.

As discussed, these documents are relevant in so far as any income derived from the sales of the alleged stolen stock would very likely show up here.

Request # 2 *All documents and communications related to accounts which the Defendant has held either directly or indirectly in any financial institution or brokerage company during the most recent three calendar years, including without limitation all monthly or quarterly statements, and cancelled checks for twelve months prior to the date of hearing.*

RESPONSE: Defendant objects to this production request as overly broad, burdensome, and irrelevant to the cause of action and not likely to lead to relevant documents or information.

As discussed, these documents are relevant in so far as any transactions related to the alleged stolen stock would presumably show up here.

Request # 3 *All documents and communications related to any interest which the Defendant has ever owned or controlled, either directly or indirectly, in any business, including without limitations Capitol Capital Corporation, in any jurisdiction whatsoever.*

RESPONSE: Defendant objects to this production request as overly broad, burdensome, and irrelevant to the cause of action and not likely to lead to relevant documents or information. Notwithstanding said objection, Defendant agrees to produce the requested documents regarding Capitol Capital Corporation.

In your Response you agreed to produce all the relevant documents regarding CCC. Please let us know if you have produced these, and if so please direct us to the specific documents that are responsive. In addition, please provide all documents related to Miller's ownership of Indo Global as these would also be highly relevant.

Request # 5 *All documents and communications related to any trusts in which the Defendant holds any beneficial interest, vested or future, including without limitation, copies of such trust agreements.*

RESPONSE: Defendant objects to this production request as overly broad, burdensome, and irrelevant to the cause of action and not likely to lead to relevant documents or information.

We accept your objection in part. However, we still have a right to such information to the extent any proceeds, stock transfers etc. related to CCC or Indo Global have in any way touched any such trusts.

Request #8 *All documents and communications related to business accounts receivable, or other sums owed or due to the Defendant.*

RESPONSE: Defendant objects to this production request as overly broad, burdensome, and irrelevant to the cause of action and not likely to lead to relevant documents or information.

We accept your objection here in part. However, to the extent any arrangements have been made or are in place pursuant to any sales of CCC or Indo Global shares, this information is highly relevant.

Request #10 *All documents and communications related to Capitol Capital Corporation (“CCC-CO”), a Colorado Corporation, and any interest owned directly or indirectly in CCC by Defendant and/or Defendant’s wife.*

RESPONSE: Defendant agrees to produce all documents related to Capitol Capital Corporation (“CCC-CO”), a Colorado Corporation

Please confirm as you have stated that the documents you produced here are complete. The documents you produced are very generic (The CCC Shareholder list from Securities Transfer Corporation) and there appear to be no emails or communications as required, this seems unlikely.

Request #11 *All documents and communications related to Capitol Capital Corporation (“CCC-WY”), a Wyoming Corporation, and any interest owned directly or indirectly in CCC by Defendant and/or Defendant’s wife.*

RESPONSE: Defendant agrees to produce all documents related to Capitol Capital Corporation (“CCC-WY”), a Wyoming Corporation

Please confirm as you have stated that the document you produced here are complete. The documents you produced are very generic (The CCC Shareholder list from Securities Transfer Corporation) and there appear to be no emails or communications as required, this seems unlikely.

5. The aforementioned items are all highly relevant as indicated and should be produced.

WHEREFORE, Plaintiff respectfully requests this Court enter an Order as follows:

- A. Compelling Defendant to fully and completely produce the documents requested.
- B. Requiring Defendant reimburse Plaintiff for attorney fees for having to bring this Motion.

C. For any other relief this Court finds fair and just.

Respectfully submitted,

/s/ Michael S. Davis

One of the attorneys for Plaintiff

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